

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KELVIN LOVETT,
Plaintiff,

vs.

JEREMY EACHES, et al.,
Defendants.

Case No. 1:17-cv-757
Black, J.
Litkovitz, M.J.

ORDER

Plaintiff, an inmate at the Toledo Correctional Institution, brings this pro se action under 42 U.S.C. § 1983 claiming violations of his civil rights. This matter is before the Court on plaintiff's motion for a stay. (Doc. 53).


The undersigned issued an Order and Report and Recommendation on October 11, 2018, granting in part plaintiff's motion for leave to file an amended complaint and allowing plaintiff 30 days to submit an amended complaint. (Doc. 48). Plaintiff filed a "Motion for Reconsideration to his Amended Complaint" under Fed. R. Civ. P. 59(e) on October 19, 2018 (Doc. 51), which was construed and docketed as objections to the Report and Recommendation. Plaintiff filed a motion to amend/correct the motion for reconsideration on October 25, 2018. (Doc. 52). Plaintiff then submitted a letter to the Court clarifying that he intended to file a motion for reconsideration of the Order and Report and Recommendation rather than objections. (Doc. 54). Plaintiff moves to stay the deadline set by the Court to submit an amended complaint pending a ruling on his motion for reconsideration and motion to amend/correct the motion for reconsideration.

Plaintiff's "Motion for Reconsideration to his Amended Complaint" (Doc. 51) is properly construed as objections to the Report and Recommendation rather than a motion to alter or amend a judgment under Rule 59(e). To avoid further delay of these proceedings, plaintiff's

motion to stay the 30-day deadline for filing an amended complaint pending a ruling on his objections to the Report and Recommendation and his motion to amend/correct his objections (Doc. 53) is **DENIED**. Plaintiff shall have **twenty (20) days** from the date of this Order to submit an amended complaint that complies with the terms of the October 11, 2018 Order and Report and Recommendation (Doc. 48).

IT IS SO ORDERED.

Date: 12/18/18


Karen L. Litkovitz
United States Magistrate Judge